

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR 06-0169 MMC (BZ)
)	
v.)	
)	ORDER SETTING RELEASE
ALLAN BRUCE MEGLEN,)	CONDITIONS
)	
Defendant.)	
_____)	

The government's motion to detain the defendant Allan Bruce Meglen came before this court on March 29, 2006. The defendant was present in custody and represented by Steven Kalar. Robert Rees represented the government. Based on the information proffered by the parties and the Pretrial Services report, I find that while defendant presents a risk of non-appearance and a danger to the community, there are conditions of release which could adequately assure the court of his appearance and of the safety to the community. In so concluding I considered the following:

1. Defendant is charged with violating 18 U.S.C. §

1 2252(a)(4)(B), possession of child pornography, a crime of
2 violence as defined in 18 U.S.C. 3156. Given his criminal
3 history, if convicted of this charge he may spend a good
4 portion of his remaining years in prison. This alone would
5 provide him with some incentive to flee. In addition, the
6 record reflects a failure to appear on a 1989 felony stolen
7 property charge. In his favor, he self-surrendered, although
8 the government challenged the delay in his surrender.

9 2. The defendant has mixed ties to northern California.
10 Defendant cares for his invalid 84 year old mother who lives
11 in Healdsburg. While he claims to reside with her, the mother
12 told Pretrial Services that he often spends the night
13 somewhere else. In addition to his mother, he has a son and
14 numerous siblings, many of whom live in northern California.
15 However, he seems to be estranged from them, with the possible
16 exception of half sister Joanne Stivi. As of the hearing, the
17 mother was unwilling to post her home and Ms. Stivi was
18 unwilling to act as a surety.

19 3. Defendant does not have a stable employment history.
20 Apart from some government benefits, his employment consists
21 of caring for his mother.

22 4. Defendant suffers from Hepatitis C, back problems,
23 arthritis and depression.

24 5. While these factors are sufficient to persuade me by
25 a preponderance of the evidence that he is a risk of flight, I
26 am satisfied that there are conditions which would reasonably
27 assure his appearance at trial. His medical condition and the
28 needs of his mother favor his release.

1 6. Defendant has a troubling criminal history. It
2 begins at age 20, and includes at least five felony
3 convictions and two misdemeanor convictions. The most recent
4 was a felony drug conviction in 2003. The defendant also has
5 parole violations and a probation revocation. Essentially he
6 has been in and out of the criminal justice system most of his
7 life. All this suggests that he may not be amenable to
8 supervision.

9 7. While many of his convictions involve property
10 crimes, it is well settled in the Ninth Circuit that such
11 crimes can threaten the safety of the community. U.S. v
12 Reynolds, 956 F.2d 192 (9th Cir. 1992).

13 8. A substantial number of images of child pornography
14 were found on his computer.

15 9. Given his lengthy criminal history, I find by clear
16 and convincing evidence that he is a danger to the community.
17 While he has demonstrated some inability to respond to
18 supervision, I note that he apparently completed a lengthy
19 probation on his most recent conviction without incident.
20 Based on all the evidence presented, I agree with Pretrial
21 Services that there are conditions of release which could
22 reasonably assure the safety of the community.

23 Mr. Meglen may be released on a \$150,000 bond, secured
24 either by the equity in his mother's home or by the signature
25 of one or more viable sureties, with the following conditions:

26 1. The defendant shall report to Pretrial Services as
27 directed;

28 2. The defendant shall not travel outside the Northern

District of California;

3. The defendant shall submit to electronic monitoring;

4. The defendant shall surrender all passports and travel documents;

5. The defendant shall not possess any firearm, destructive device, or other dangerous weapon;

6. The defendant shall not consume alcohol to excess and shall not use or possess any narcotic or controlled substance without a legal prescription;

7. The defendant shall not change residence without prior approval of Pretrial Services; and

8. The defendant shall have no access to the internet.

9. Defendant's contact with minors shall be restricted.

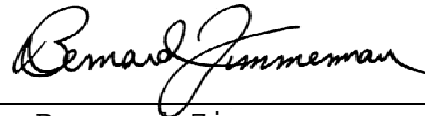
After advising defendant that I was prepared to release him on these conditions, I was informed that defendant is not prepared to accept these conditions at this time. Defendant's proposal, that he be released to a half way house on a \$150,000 bond secured by his signature, will not reasonably assure his appearance or the safety of the community. Since he is not gainfully employed and has no assets, his signature is no security, and living in a halfway house in Oakland (the only one that might accept him given the nature of the charges), would interfere or eliminate his ability to care for his mother, which is one of the factors that favors his release. I offered defendant a choice of either continuing the matter or making immediate findings which could then be

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1 reviewed. The defendant asked for findings. Accordingly, I
2 remanded him to the Marshal and ordered him detained.

3 Dated: March 30, 2006



Bernard Zimmerman
United States Magistrate Judge

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